

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

KENNETH CULBREATH,

Plaintiff,

v.

**Case No. 1:07cv113
(Judge Keeley)**

HARLEY LIPTON, et al.,

Defendants.

**ORDER GRANTING MOTION FOR BRIEF
ENLARGEMENT OF TIME**

On August 22, 2007, the plaintiff filed a civil rights action. On that same date, the plaintiff was sent a deficiency notice giving him thirty (30) days to pay the \$350 filing fee or, in the alternative, file an application to proceed *in forma pauperis*, together with a Consent to Collection of Fees from Trust Account and Prisoner Trust Account Report.

On September 25, 2007, the plaintiff filed his pending motion seeking an additional ten to twelve days to comply with the deficiency notice. In support of his motion, the plaintiff asserts that his counselor has been unavailable to sign the documents needed to comply.

Upon due consideration, the plaintiff's Motion for Brief Enlargement of Time (Doc. 5) is GRANTED. The plaintiff shall be permitted ten (10) days from entry of this order to comply with the deficiency notice and submit the required forms. Failure to comply will result in a recommendation that this matter be dismissed.

IT IS SO ORDERED.

The Clerk is directed to mail a copy of this Order to the *pro se* plaintiff.

DATED: October 2, 2007

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE